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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,851	12/02/2005	Michael Andrew Singer	3001	7427

7590 01/05/2010  
Albert Brent  
269-27N Grand Central Parkway  
Floral Park, NY 11005

EXAMINER
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BEKKER, KELLY JO

ART UNIT	PAPER NUMBER
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1794

MAIL DATE	DELIVERY MODE
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01/05/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

10/559,851

Examiner

KELLY BEKKER

Applicant(s)

SINGER, MICHAEL ANDREW

Art Unit

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 02 October 2009 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):  
\_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

## TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/Kelly Bekker /  
Examiner  
Art Unit 1794

/Lien Tran/  
Primary Examiner, Art Unit 1794

Cont 4.

C. Each claim has not been presented with the proper status identifier. After each claim number, the status identifier of the claim must be present in parenthetical expression; See MPEP 714.

For example, in the amendments applicant recites, "Cancel Claim 32", the amendment should be presented as "32 (Canceled).

Additionally claims 21 and 30 recite "amended", which should be presented as "Currently Amended".

E. The claims are further non-complaint for the following reasons:

Amendments to the claims must include a complete listing of all claims (MPEP 714). Claims 23-29 and 31 are not listed.

Each section of an amended document must begin on a separate sheet. Applicant's amendments to the claims begin on the cover page and are on the same page with the remarks.

Applicant's amendments to the claims include improper markings. Deletion to the claims are shown by a strike through with the expectation of deletion of five or less characters and un-easily perceived markings, which are shown with double brackets (MPEP 714). Applicant has used the term "Delete" and double parenthesis to show deletion.

Applicant is encouraged to review the manner of making amendments under 37 CFR 1.121.